



June 22, 2022

Eric Scott, Environmental Protection Specialist
CO Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: M-1976-007-UG Golden Mine
Response to Third Adequacy Review of CN-001

Dear Mr. Scott,

Please accept this correspondence on behalf of Denver Brick Company in response to the untimely comments submitted by CO Division of Parks and Wildlife.

As an initial matter, we note that Rules 1.7.1 and 1.7.4 of the Construction Materials Rules set out specific timeframes for the submission of comments and objections to 112 reclamation permit applications. Those rules are intended to provide parties with adequate time to address any comments and avoid undue prejudice. In this case, the period for public comment closed on January 19, 2022. The Division and the public should also understand that Denver Brick solicited input from CPW very early in its application process. Phone calls began with Mr. Paul Fontz of CPW on January 19, 2021. Mr. Fontz put me in touch with Mr. Mark Lamb of CPW. After corresponding with Mr. Lamb via email (provided herein). We scheduled a site visit with Mr. Tim Woodward for February 2, 2021. Mr. Woodward confirmed he would attend, but was not present at the site on that day. No comments or other input were received from any of the CPW staff. Accordingly, Denver Brick contacted CPW again in October of 2021 and attempted to schedule another site visit. Mr. Woodward and Mr. Lamb were again invited to a site visit via email (provided herein) in October 2021. CPW representatives did not attend either site visit, and provided no comments or other input. No one from CPW contacted me or any representative of the applicant to schedule a different site visit. To this date, no CPW representative has visited the site or discussed the mine plan or the application with the applicant. Accordingly, it is our view that the Division should not consider the CPW's untimely comments in the course of its decision-making for Denver Brick's application.

Nevertheless, Denver Brick is aware of the need to minimize environmental impacts and is confident that its operations--which will continue in essentially the same way they have for the past sixty years--will not result in any significant adverse impacts to wildlife. In addition, CPW's comments appear to indicate a fundamental misunderstanding of Denver Brick's mine plan and current conditions at the site. Accordingly, Denver Brick thought it was important to respond.

1. Mule Deer Winter Range.

CPW provided a map of mule deer severe winter range along with its comments, and claims, without any explanation or analysis, that the mine plan will result in the permanent loss of 30 acres of this habitat. First, as set forth in the Mine Plan at Exhibit D to the application, and the subsection titled Mining Operation in particular, Denver Brick has committed to an active mine area of approximately 600 to 800 linear feet by an average 70 feet wide or approximately 1.5 acres which will be mined at any one time. As described in the Reclamation Plan at Exhibit E, Denver Brick has also committed to contemporaneous reclamation with mining. When approximately 300 linear feet has been mined out, reclamation will begin in that area. This is described in paragraph 4 of Exhibit E. This way, the disturbed but un-reclaimed area will be minimized, similar to CPW's recommendation. In addition, the seed mixture which will be used for reclamation was developed by Jefferson County Soil Conservation District and is suitable for the climate and wildlife of this specific area. Contrary to CPW's comments, the Reclamation Plan also includes a detailed 42 page noxious weed management plan which includes eradication, assessment and annual monitoring components. Finally, the proposed permit area is also on the southern portion of the same clay deposit that was mined and successfully reclaimed by Denver Brick and General Shale as the Dakota Mine and the Flintlock Mine. Both of those mines are entirely outside of the area at issue for the current application, but provide good examples of areas mined and successfully reclaimed using the same techniques. The mined but reclaimed areas still serve as habitat for mule deer, which remain frequent visitors. Denver Brick anticipates that the use of the same mining and reclamation techniques will avoid significant impacts to mule deer habitat.

2. Bat Populations.

CPW has explained that specific bat species were identified at the mine in 2012. Based on those observations, CPW recommended the installation of bat grates in certain adits and the closure of others. The grated adits were located and condition documented June 22, 2022. Denver Brick commits to reaching out to CPW prior to mining or blasting in areas of concern.

Please feel free to contact me with any questions.

Respectfully submitted,

Angela M. Bellantoni

Angela M. Bellantoni Ph.D.

Enclosures:

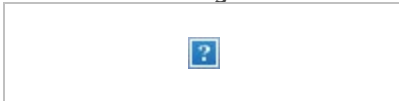
CPW emails January 2021 and October 2021

From: [Lamb - DNR, Mark](#)
To: [Angela Bellantoni](#)
Cc: [Joseph Walter - DNR](#)
Subject: Fwd: FW: DRMS application exhibit land use comments
Date: Thursday, January 28, 2021 9:52:24 AM
Attachments: [image001.png](#)
[Gladstone Figure-1-26.pdf](#)

Good morning Angela! Joe Walter is the person Jeff should coordinate with. I copied him in this email.

Mark

Mark Lamb
Area Wildlife Manager



P 303.291.7241 | F 303.291.7114 | 720.450.2016
12102 South Elk Creek Road, Pine CO 80470
mark.lamb@state.co.us |



----- Forwarded message -----

From: Angela Bellantoni <angela@envalternatives.com>
Date: Thu, Jan 28, 2021 at 8:41 AM
Subject: RE: FW: DRMS application exhibit land use comments
To: Lamb - DNR, Mark <mark.lamb@state.co.us>

Good morning Mark.

Please may I schedule a site visit for the Idaho Springs site? If one will be needed.

The application is on it last round of revisions. It looks like about 3 acres will be in the permit boundary. All within previous mine disturbance along Stanley Road. I've attached the draft site plan as of yesterday.

Jeff Carter is the primary contact for this project (Gladstone Toll Mill). (719) 237-5914. He'll gladly meet you on site at your convenience.

Thank you in advance.

Dr. Angela M. Bellantoni

Environmental Alternatives Inc.

PO. Box 326

Cañon City, CO 81215

719-275-8951

angela@envalternatives.com

www.envalternatives.com

From: Lamb - DNR, Mark [mailto:mark.lamb@state.co.us]

Sent: Monday, January 25, 2021 9:21 AM

To: Angela Bellantoni <angela@envalternatives.com>

Subject: Re: FW: DRMS application exhibit land use comments

Glad I'm not the only one confused. :)

M

Mark Lamb

Area Wildlife Manager



P 303.291.7241 | F 303.291.7114 | 720.450.2016

12102 South Elk Creek Road, Pine CO 80470

mark.lamb@state.co.us |



On Mon, Jan 25, 2021 at 9:09 AM Angela Bellantoni <angela@envalternatives.com> wrote:

Mark

I'm sooo confused.... See email string below

At this point, something is scheduled at the Golden Mine at 9 am on February 2 with Acme.

Nothing is scheduled at Idaho Springs with Jeff Carter.

I'll wait for your direction

Really sorry

Dr. Angela M. Bellantoni

Environmental Alternatives Inc.

PO. Box 326

Cañon City, CO 81215

719-275-8951

angela@envalternatives.com

www.envalternatives.com

From: Walter - DNR, Joseph [mailto:joseph.walter@state.co.us]

Sent: Friday, January 22, 2021 11:10 AM

To: Angela Bellantoni <angela@envalternatives.com>

Subject: Re: DRMS application exhibit land use comments

I will be there at 9. Thanks

Joe W

On Friday, January 22, 2021, Angela Bellantoni <angela@envalternatives.com> wrote:

| Good morning Mr. Walter.

Would you prefer 9 am or noon?

Angela Bellantoni

From: Walter - DNR, Joseph [mailto:joseph.walter@state.co.us]

Sent: Thursday, January 21, 2021 6:30 PM

To: Angela Bellantoni <angela@envalternatives.com>

Subject: Re: DRMS application exhibit land use comments

Angela,

The 2nd will work for me. Just let me know a time and I can be there. Thanks!

Joe W

On Thu, Jan 21, 2021 at 3:13 PM Angela Bellantoni <angela@envalternatives.com> wrote:

Good afternoon Mr. Walter, again.

I have another project. This one is in Jefferson County, north of Golden. Acme Brick, aka Denver Brick, is submitting application to DRMS to convert the 110 permitted Golden Mine to a 112 permit. It is a 100 plus year old mine for clay.

Attached is a draft of the application exhibit. It includes a vicinity map and an adequate representation of the new permit area. The gate is locked. Barring snow, Rich Murphy and I will be at the site on February 2nd, if you would like to visit the site then.

Feel free to call with questions.

Thank you in advance.

Dr. Angela M. Bellantoni

Environmental Alternatives Inc.

PO. Box 326

Cañon City, CO 81215

719-275-8951

angela@envalternatives.com

www.envalternatives.com

From: Walter - DNR, Joseph [mailto:joseph.walter@state.co.us]

Sent: Wednesday, January 20, 2021 8:08 AM

To: Angela Bellantoni <angela@envalternatives.com>

Cc: mark.lamb@state.co.us

Subject: Re: DRMS application exhibit land use comments

Angela,

Thank you for reaching out to us in regards to this project. I will reach out to other CPW staff and see if there are any concerns on their end. I would also be happy to meet with the operator and applicant whenever they are available. Thank you!

Joe W

On Tue, Jan 5, 2021 at 10:52 AM Angela Bellantoni <angela@envalternatives.com> wrote:

Dear Mr. Walter,

I am submitting application to DRMS on behalf of Salisbury Gladstone LLC for a

toll mill west of Idaho Springs, South of 1-70 in the historic disturbance of the Golden Nugget, Donna Juanita & Gladstone mines. The DRMS application for a limited impact 110(d) application requires a wildlife statement pursuant to Rule 6.3.2(d).

- (d) a wildlife statement prepared by Colorado Parks and Wildlife (CPW) is not required for 110 Limited Impact Operations. However, such a statement is required for 110d Limited Impact Operations. The Operator/Applicant may contact the local CPW representative to verify that no critical or important wildlife habitats or wildlife species will be impacted by the proposed operation.

The anticipated footprint is approximately four acres south of the highway. I've attached a map for reference. The application is NOT for a mine but rather a toll mill that will be constructed and operate in the existing historic disturbance of the aforementioned mines.

Please contact me if you have questions. I can also arrange for you to meet the applicant and operator on site at your convenience.

Thank you in advance.

Dr. Angela M. Bellantoni

Environmental Alternatives Inc.

PO. Box 326

Cañon City, CO 81215

719-275-8951

angela@envalternatives.com

www.envalternatives.com

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Joe Walter

District Wildlife Manager- Idaho Springs

Area 1



C 303-916-1180

[6060 Broadway, Denver, CO 80216](#)

joseph.walter@state.co.us | www.cpw.state.co.us



--

Joe Walter

District Wildlife Manager- Idaho Springs

Area 1



C 303-916-1180

[6060 Broadway, Denver, CO 80216](#)

joseph.walter@state.co.us | www.cpw.state.co.us



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Joe Walter

District Wildlife Manager- Idaho Springs

Area 1



C 303-916-1180

6060 Broadway, Denver, CO 80216

joseph.walter@state.co.us | www.cpw.state.co.us

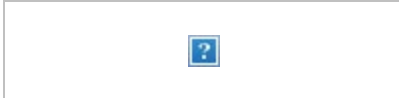


From: [Lamb - DNR, Mark](#)
To: [Angela Bellantoni](#)
Subject: Re: M-1976-007UG Conversion Application Golden Mine
Date: Wednesday, October 13, 2021 8:46:59 AM

Excellent! I already sent it to Tim Woodward, guessing it was in his district. Please bear in mind our hunting seasons are in full swing so availability may be limited. We will let you know. Thanks for the quick response.

Mark

Mark Lamb
Area Wildlife Manager



P 303.291.7241 | F 303.291.7114 | 720.450.2016
12102 South Elk Creek Road, Pine CO 80470
mark.lamb@state.co.us |

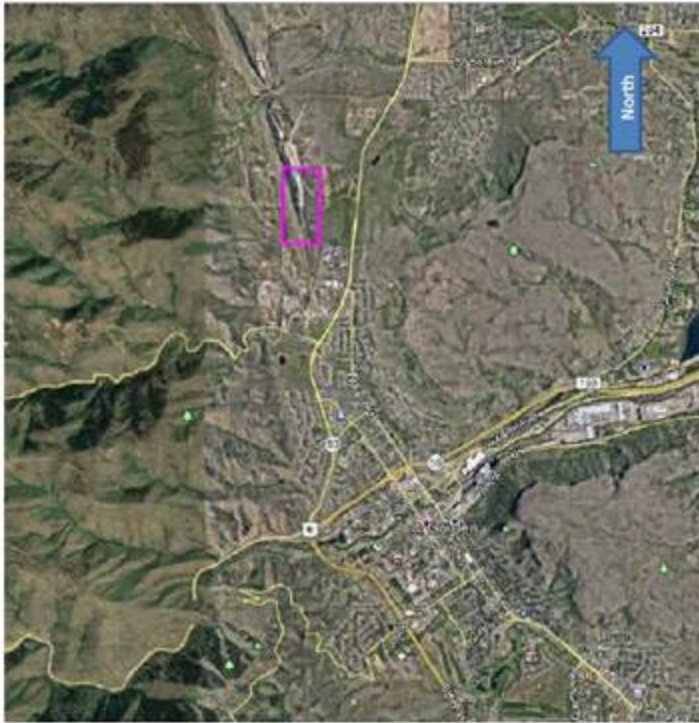


On Wed, Oct 13, 2021 at 8:06 AM Angela Bellantoni <angela@envalternatives.com> wrote:

Thank you Sir.

The Golden Mine is located north of Golden on Hwy 93, West of the highway on State Section 16, T3S, R70W.

6.4.2 Exhibit B
Index Map



Angela Bellantoni

From: Lamb - DNR, Mark [mailto:mark.lamb@state.co.us]
Sent: Wednesday, October 13, 2021 7:37 AM
To: Angela Bellantoni <angela@envalternatives.com>
Subject: Re: M-1976-007UG Conversion Application Golden Mine

Good morning Angela! Can you give me a better location? Looking at the map you provided, I am not sure of which Wildlife Manager to get it to. I want to make sure we get the correct person to review. Thank you!

Mark

Mark Lamb
Area Wildlife Manager



P 303.291.7241 | F 303.291.7114 | 720.450.2016

12102 South Elk Creek Road, Pine CO 80470

mark.lamb@state.co.us |



On Mon, Oct 11, 2021 at 1:39 PM Angela Bellantoni <angela@envalternatives.com> wrote:

Dear Mr. Lamb,

Acme Brick aka Denver Brick Company, operator of the Golden Mine, has submitted application to DRMS to convert the mine permit from a 110 permit to a 112 permit. I've attached a mine plan figure.

Mr. Rich Murphy of Denver Brick from Texas, Mr. Eric Scott of DRMS, Mr. Pat O'Connell of Jefferson Co and I will be at the site on Oct 26 at 1 pm. If your schedule allows, we would welcome you as well to the site during this visit. Or the area CPW representative.

If Oct 26 is not convenient, please share alternatives dates for a site meeting. Mr. Murphy has to arrange travel from Texas.

Thank you in advance.

Dr. Angela M. Bellantoni

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